

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL HILLARD,

Defendant.

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No. 3:19-CR-11-RLJ-DCP

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation as may be appropriate. This case is before the Court on Defendant Michael Hillard's Motion to Continue [Doc. 12], filed on April 12, 2019, and asking to continue the April 16, 2019 plea deadline and the May 7, 2019 trial date in this case. Defendant Hillard requests a continuance to give his attorney additional time to resolve pretrial matters and to prepare the case for trial or other resolution. Defendant contends that a trial continuance would further the ends of justice by providing defense counsel with the reasonable time necessary to prepare the case for trial effectively. The motion states that counsel has explained the right to a speedy trial to Defendant Hillard, who understands that all time between the filing of the motion and the new trial date will be fully excludable. The motion relates that the Government does not object to the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of August 6, 2019.

The Court finds Defendant Hillard's motion to continue the trial and other deadlines to be unopposed by the Government and to be well-taken. The Court also finds that the ends of justice

served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 1] charges Defendant Hillard with a single count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Defendant Hillard first appeared in this case on February 26, 2019, and at that time Assistant Federal Defender Mary Margaret Kincaid and the Federal Defender Services of Eastern Tennessee were appointed [Doc. 7] to represent him. In the motion, Ms. Kincaid relates that, despite the exercise of due diligence, she needs additional time to resolve pretrial matters and to prepare the case for trial. The Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsel's exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Defendant's unopposed motion [**Doc. 12**] to continue the trial date is **GRANTED**, and the trial is reset to **August 6, 2019**. The Court finds that all the time between the filing of the motion for a continuance on **April 12, 2019**, and the new trial date of **August 6, 2019**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for concluding plea negotiations and providing reciprocal discovery is extended to **July 16, 2019**. The Court instructs the parties that all motions *in limine* must be filed no later than **July 22, 2019**. If the parties need a final pretrial conference, they must contact the undersigned's Chambers, at least three weeks prior to the trial date, to request one. Special requests for jury instructions shall be submitted to the District Judge no later than **July 26, 2019**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendant's Motion to Continue [**Doc. 12**] is **GRANTED**;

(2) The trial of this matter is reset to commence on **August 6, 2019, at 9:00 a.m.**, before the Honorable R. Leon Jordan, United States District Judge;

(3) All time between the filing of the motion on **April 12, 2019**, and the new trial date of **August 6, 2019**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;

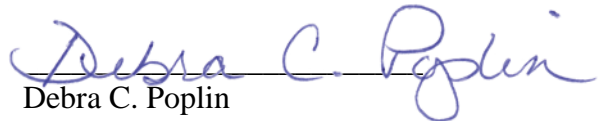
(4) The deadline for concluding plea negotiations and providing reciprocal discovery is extended to **July 16, 2019**;

(5) Motions *in limine* must be filed no later than **July 22, 2019**; and

(6) Special requests for jury instructions with appropriate citations shall be submitted to the District Judge by **July 26, 2019**.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge